

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	Index No.: 12 CIV 4854
LOCAL UNION NO. 40 of the INTERNATIONAL	(LTS)(MHD)
ASSOCIATION OF BRIDGE, STRUCTURAL AND	
ORNAMENTAL IRON WORKERS, LOCAL UNION	
No. 361 of the INTERNATIONAL ASSOCIATION OF	
BRIDGE, STRUCTURAL AND ORNAMENTAL IRON	
WORKERS LOCALS 40, 361 & 417 HEALTH FUND,	
IRON WORKERS LOCALS 40, 361 & 417 PENSION	
FUND, IRON WORKERS LOCALS 40, 361 & 417	
VACATION FUND, LOCALS 40 and 361	
APPRENTICESHIP AND TRAINING FUND,	
IRON WORKERS LOCALS 40, 361 & 417 ANNUITY	
FUND, IRON WORKERS LOCALS 40, 361 & 417	
TOPPING OUT FUND, IRON AND STEEL INDUSTRY	<b>NOTICE OF MOTION</b>
PROMOTION FUND OF NEW YORK, collectively	<b><u>FOR FRCP 37 SANCTIONS</u></b>
Known as, IRON WORKERS, LOCALS 40, 361	
& 417 UNION SECURITY FUNDS,	
Plaintiffs,	
- against -	
CAR-WIN CONSTRUCTION, INC., AND	
CRV PRECAST CONSTRUCTION, LLC,	
Defendants.	
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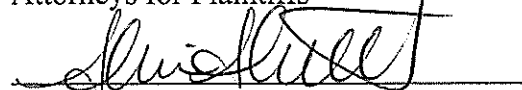
PLEASE TAKE NOTICE that upon the annexed Declaration of ALICIA M. SHOTWELL, ESQ. in Support of Plaintiffs' Motion for a Default Judgment Against CAR-WIN CONSTRUCTION, INC. and CRV PRECAST CONSTRUCTION, LLC, dated February 14, 2014, and the exhibits annexed thereto, and the Memorandum of Law in Support of Plaintiffs' Motion for a Default Judgment Against CAR-WIN CONSTRUCTION, INC. and CRV PRECAST CONSTRUCTION, LLC, dated February 14, 2014, and upon all exhibits, papers and proceedings heretofore had herein, the undersigned will move this Court before the Honorable Michael H. Dolinger, U.S.M.J., at the United States Court House, Southern District of New

York, 500 Pearl Street, New York, New York 10007, Courtroom 17D, on February 21, 2014, for an Order pursuant to Rule 37 of the Federal Rules of Civil Procedure, in favor of Plaintiffs LOCAL UNION NO. 40 OF THE INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS, LOCAL UNION NO. 361 OF THE INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS, IRON WORKERS LOCALS 40, 361 & 417 HEALTH FUND, IRON WORKERS LOCALS 40, 361 & 417 PENSION FUND, IRON WORKERS LOCALS 40, 361 & 417 VACATION FUND, LOCALS 40 AND 361 APPRENTICESHIP AND TRAINING FUND, IRON WORKERS LOCALS 40, 361 & 417 ANNUITY FUND, IRON WORKERS LOCALS 40, 361 & 417 TOPPING OUT FUND, IRON AND STEEL INDUSTRY PROMOTION FUND OF NEW YORK, collectively known as IRON WORKERS LOCALS 40, 361 & 417 UNION SECURITY FUNDS, and against Defendants CAR-WIN CONSTRUCTION, INC. and CRV PRECAST CONSTRUCTION, LLC, on the grounds that the Defendants have willfully disregarded their discovery obligations and four (4) Court Orders.

Dated: Garden City, New York  
February 14, 2014

COLLERAN, O'HARA & MILLS L.L.P.

Attorneys for Plaintiffs



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